

REVENUE DEPARTMENT

No. L. B. 9627—A. D. C. 3-48-71, dated 4th May 1949.

Under Section 6 of the Land Acquisition Act No. VII of 1894, it is hereby declared that the lands described hereunder are required for a public purpose, viz. Adi Karnataka village extension of Byasandra village and under Sections 7 and 3(c) of the said Act, the Assistant Commissioner in charge of Tumkur Sub-Division, is authorised to take order for the acquisition of the said land.

Tumkur District, Tumkur Taluk, Goolur Hobli, Byasandra Village.

Survey No. 150, in the khate and anubhava of Ugrappa bin Gangiah and bounded on the North by Survey No. 1, South by Voni East by Survey No. 161, and West by Survey No. 150, the area required being 1 acre 20 guntas, assessed at Rs. 1-8-0.

Survey No. 151, in the khate and anubhava of Ganga bin Chennaveera and bounded on the North by Survey No. 1, South by Survey No. 1, East by Survey No. 151 and West by Survey No. 150, the area required being 80 guntas, assessed at Rs. 0-12-0.

11274

Dated 7th May 1949.

No. R. 9787—L. R. 388-48-3. It is hereby notified for general information that Jambavalli and Arasonagere, two bechirak villages in Ulvi Hobli of Sorab Taluk will be amalgamated with Kaisodi Village in the same Hobli, on administrative grounds.

11326

SYED ABDUL ALEEM, *Rev. Secy.*

GENERAL SECRETARIAT

Dated 4th May 1949.

No. L. 12528—MI. 24-48-93. Under Section 48 (1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, Government are pleased to withdraw the acquisition of S. No. 46—2, Yadiyur—Nagasandra Village, Bangalore Taluk, required for continuing the road in the IV Model House Street, Narasimharaja Colony, published in notification No. L. 11687—MI. 23-47-44, dated 10th December 1947.

11269

Dated 4th May 1949.

No. 12756—MI. 139-48-23. Under Section 48 (1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, Government are pleased to withdraw the acquisition of portion of Door Nos. 46-47 and 48, Sreenivasa Mandiram Road, II Division, Bangalore City, required for widening the Sreenivasa Mandiram Road, published in notification No. L. 12150—MI. 22-44-95, dated 16th June 1938.

1268

Dated 9th May 1949.

No. S.R. 5824—L.W. 27-48-32. Under Section 12 (4) of the Mysore Labour Act XIII of 1942, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the accompanying report of the Chief Conciliator in Mysore, Bangalore, in respect of the failure of Conciliation Proceedings in the dispute between the Nandydroog Mine Labour Association, and the Nandydroog Mining Authorities in regard to a Notice of a change given by the former to the latter on 15th November 1948.

MIR SAIFDAR HUSSAIN,

Gl. Secy.

OFFICE OF THE CHIEF CONCILIATOR AND REGISTRAR OF ASSOCIATIONS IN MYSORE, BANGALORE.

Dated 26th April 1949]

No. C.C. 12-48.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department, Bangalore.

Sir,

Subject:—Notice of change dated 15th November 1948 given by the Nandydroog Mine Labour Association to its Management re payment of wages/salary to the employees.

This dispute has been referred to me under Section 10 (3) of the Mysore Labour Act by the Commissioner of Labour in Mysore, for initiating conciliation proceedings as the Assistant

Commissioner of Labour, Kolar Division, was unable to bring about a settlement of the dispute between the Nandydroog Mine Labour Association on the one hand and the Nandydroog Mining authorities on the other.

The date fixed for the Conciliation Proceedings was the 26th of this month at Oorgaum and on that day the Management was represented by Mr. W. T. Hocking and the Association by its President Sri A. Ratnasahapathi and Secretary Sri S. B. Arokai.

The dispute has arisen out of a notice of change given by the Association on 15th November 1948 in the following terms:—

"Any employee of Nandydroog Mine, who is a member of the Nandydroog Mines Labour Association, if thrown out of employment due to curtailment of mining operations, should be given 180 days' wages, if he (she) is a daily rated employee and six months' salary if he (she) is a monthly-rated employee, in addition to payment of Service Gratuity, Provident Fund, Dress Allowance, Privilege Leave Pay or any other payment to which he (she) is entitled."

It is stated that this notice is the sequel to a notice of change given by the Management in June 1948 to effect a reduction in the number of employees due to curtailment of mining operations which ultimately ended in the failure of the conciliation proceedings as reported to Government in this Office letter No. C. C. 1/48, dated 8th November 1948.

Standing Order 21 gives power to the Management to terminate without assigning any reason the employment of any monthly rated employee and to discharge from service all other classes of employees without notice. It is contended for the Association that this Standing Order contravenes Section 10 (1) of the Labour Act which requires an employer to give a notice of change in respect of an industrial matter mentioned in Schedule II. The first item in this Schedule refers to reduction intended to be permanent or semi-permanent character in the number of persons employed, not due to *force Majeure*.

Mr. Hocking maintains that there is really no conflict between the Labour Act and the Standing Order and that the requisite notice under Section 10 (1) had been already given which had however failed to end in an amicable settlement. The Management were therefore contemplating to discharge their surplus employees after observing the formalities prescribed in Standing Order 21.

The next contention of the Association was that the Management had no power to discharge any of their employees under the Standing Order. Their remedy is to declare a lock-out in respect of the surplus employees. At the same time it was further contended that, under Section 27, such a lock-out would be illegal if commenced before the expiry of 14 days or after the expiry of two months after publication of the report made under Section 12 (4) of the Act.

Mr. Hocking pointed out that the correct procedure to be adopted in this case was to act under Standing Order 21 and that the remedy was not to declare a lock-out as suggested by the Association. I am inclined to agree with him. A lock-out can be resorted to only for the purpose of compelling the employees to accept any term or condition of affecting employment and not when the intention is to discharge surplus labour owing to curtailment of operations or other cause. The Labour representatives however did not endorse this view and as this was purely a matter of legal interpretation no conciliation was possible in regard to it.

With regard to the notice of change given by the Association Mr. Hocking stated that the Management would strictly act within the terms of Standing Order 21 and that it was impossible for them to give 180 days' notice as stipulated in the notice of change. The Labour representatives were not satisfied with this attitude. I found it not possible to resolve this dead-lock. Accordingly there was a failure of Conciliation Proceedings which I report under Section 12 (4) of the Act.

Yours faithfully,

K. SUBBA RAO,

Registrar of Associations in Mysore,
and
Chief Conciliator in Mysore.